

CITY OF MUSKEGON

CITY COMMISSION MEETING

MAY 24, 2005

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, May 24, 2005.

Mayor Warmington opened the meeting with a prayer from Commissioner Shepherd after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Bill Larson, Commissioner Kevin Davis, Stephen Gawron, Clara Shepherd, Lawrence Spataro, and Chris Carter, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Gail Kunding.

2005-47 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Commission Worksession that was held on Monday, May 9, 2005; and the Regular Commission Meeting that was held on Tuesday, May 10, 2005.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Fireworks Display – Muskegon Country Club. CITY CLERK

SUMMARY OF REQUEST: Melrose Pyrotechnics, Inc., is requesting approval of a fireworks display permit for July 4th at the Muskegon Country Club, 2801 Lakeshore Drive. Fire Marshall Metcalf will inspect the fireworks. The insurance coverage has been approved.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks.

C. FIRST READING: Amend the City Code of Ordinances – Bike Riding Prohibited in Specified Areas. CITY CLERK

SUMMARY OF REQUEST: To amend the City Code of Ordinances to repeal and reserve

Chapter 92, Sec. 92-33, section 6.32, bike riding prohibited in specified areas.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the ordinance change.

D. Sale of Buildable Vacant Lot at 340 Meeking. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant buildable lot at 340 Meeking Street to Urban Development and Construction Company, LLC, 109 E. Laketon Ave., Muskegon, MI. The lot is 100 x 134 ft. and is being offered to Urban Development and Construction Company, LLC for \$6,750. Urban Development and Construction Company, LLC will be constructing a 3 bedroom, single family home with a two stall garage, which will comply with the City's Policy for Sale of City-Owned Residential Property. The True Cash Value for the property listed in the Assessor's Office is \$9,000, so our price is set at \$6,750 which is 75% of that amount.

FINANCIAL IMPACT: The sale of this lot for construction of 1 (one) new home will generate additional tax revenue for the City and will place the property back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution and to authorize both the Mayor and the Clerk to sign said resolution and deed.

E. Sale of an Unbuildable Vacant Lot at Block 650 Lot 2. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant unbuildable lot at Blk 650 Lot 2 to Ivan and Sandra Sanford, 2521 McCracken St., Muskegon, MI. The property is being offered to Mr. and Mrs. Sanford to help clear their property title for \$1. According to the County Treasurer, the property taxes for the lot went unpaid in 1988 only. The property went up for tax sale and the City obtained the lot in 1995 from the State. The State had deeded a few properties at that time that had been redeemed by the property owner to the City, but this property was not one of them. A previous City employee drafted a memo in 1996 stating that they felt the deed was incorrect due to information they had at that time. The property had been changed to being owned by Mr. and Mrs. Sanford and combined with their property located at 2521 McCracken St. by the City Assessor's Office. They have paid all the property taxes from 1989 to current, maintained the property, and paid the special assessment. They are working on refinancing their home and it was found that the City was deeded the property in 1995.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution and to authorize both the Mayor and the Clerk to sign said resolution and deed in order to clear this up.

F. FIRST READING: Zoning Ordinance Amendment for Veterinary Clinics, Without Outdoor Kennels. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 1101 of Article XI (B-2, Convenience and Comparison Business Districts) to add veterinary clinics, without outdoor kennels, under Special Land Uses.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to add language regarding veterinary clinics, without outdoor kennels.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 5/12/05 meeting. The vote was unanimous.

G. Aggregates, Highway Maintenance Materials and Concrete. PUBLIC WORKS

SUMMARY OF REQUEST: Award bid to supply H1 and H2 limestone chip blend to Verplank Trucking Company. Award bid to supply road slag to Verplank Trucking Company. Award bid to supply Sylvax patching material to Asphalt Paving, Inc. Award bid to supply bituminous asphalt product to Asphalt Paving, Inc. Award bid to supply Calcium Chloride 38% (road brine) and 32% (winter salting) to Liquid Dustlayer, Inc. Award bid to supply screened top soil to Verplank Trucking Company. Award bid to supply 7-sack mix concrete to Port City Redi-Mix Company; contingent upon product availability, timely deliveries, and prices as quoted.

FINANCIAL IMPACT: \$137,000 based on 2004 quantities at 2005 quotes.

BUDGET ACTION REQUIRED: None, monies appropriated in several budgets.

H. City – MDOT Agreement for Park St., Young Ave. to Laketon Avenue. ENGINEERING

SUMMARY OF REQUEST: To approve the contract with MDOT for the reconstruction of Park Street from Young Avenue to Laketon Avenue and to approve the resolution authorizing the Mayor and City Clerk to sign the contract.

FINANCIAL IMPACT: MDOT's participation is estimated at \$159,450 but not to exceed 81.85% of eligible cost. The estimated total construction cost (without engineering) of the project, including the non-participating items of watermain & sanitary sewer, is \$181,400.

BUDGET ACTION REQUIRED: None at this time. The City's share of the cost will come out of the Major Street and water/sewer funds as was budgeted.

STAFF RECOMMENDATION: That the agreement and resolution be approved.

Motion by Commissioner Gawron, second by Commissioner Carter to approve the Consent Agenda as presented.

ROLL VOTE: Ayes: Gawron, Larson, Shepherd, Spataro, Warmington, Carter, and Davis

Nays: None

MOTION PASSES

2005-48 NEW BUSINESS:

A. Agreement with Digital Spectrum Enterprises, Inc. (DSE) to Manage PEG Channel 77. ASSISTANT CITY MANAGER

SUMMARY OF REQUEST: To authorize the Mayor to sign a one-year agreement between the City of Muskegon and Digital Spectrum Enterprises, Inc. to manage the City's Public Education & Government (PEG) Channel (77) provided through the Cable Franchise Agreement.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval.

Motion by Vice Mayor Larson, second by Commissioner Spataro to approve the agreement with Digital Spectrum Enterprises to manage the City's Public Education & Government Channel 77.

**ROLL VOTE: Ayes: Larson, Shepherd, Spataro, Warmington, Carter, Davis, and Gawron
Nays: None**

MOTION PASSES

B. FIRST READING: Rezoning Request for Properties Located Within 'Area 12'. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone multiple properties located within 'Area 12' (bounded generally by Laketon Avenue, Glade Street, 9th Street, Western Avenue, Lakeshore Drive, Southern Avenue, and Franklin Street).

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 5/12/05 meeting.

Motion by Commissioner Gawron, second by Commissioner Spataro to approve the rezoning request for properties located within "area 12".

**ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Carter, Davis, Gawron, and Larson
Nays: None**

MOTION PASSES

C. Consideration of Bids: Ireland Ave, Franklin St. to Davis St. & Franklin St., Laketon Ave. to Ireland Ave. ENGINEERING

SUMMARY OF REQUEST: The reconstruction as well as underground utilities upgrade contract (H-1600) on Ireland Avenue between Franklin Street and Davis Street and (H-

1602) on Franklin Street between Laketon Avenue and Ireland Avenue be awarded to McCormick Sand, Inc. out of Shelby, MI. McCormick Sand, Inc. was the lowest responsible bidder with a bid price of \$362,361.59.

FINANCIAL IMPACT: The construction cost of \$362,361.59 plus related engineering expenses.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Award the contract to McCormick Sand, Inc.

Motion by Vice Mayor Larson, second by Commissioner Davis to award the contract for Ireland Avenue between Franklin Street and Davis Street and on Franklin Street between Laketon Avenue and Ireland Avenue to McCormick Sand, Inc.

ROLL VOTE: Ayes: Spataro, Warmington, Carter, Davis, Gawron, Larson, and Shepherd

Nays: None

MOTION PASSES

D. Consideration of Bids: Fair Avenue, Torrent Street to Addison Street. ENGINEERING

SUMMARY OF REQUEST: The paving as well as sanitary sewer upgrade contract (H-1598) on Fair Avenue between Torrent Street and Addison Street be awarded to Schultz Excavating, Inc., out of Ludington, MI. Schultz Excavating, Inc., was the lowest responsible bidder with a bid price of \$112,618.85.

FINANCIAL IMPACT: The construction cost of \$112,618.85 plus related engineering expenses.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Award the contract to Schultz Excavating, Inc.

Motion by Commissioner Spataro, second by Vice Mayor Larson to award the contract for Fair Avenue, Torrent Street to Addison Street to Schultz Excavating, Inc.

ROLL VOTE: Ayes: Warmington, Carter, Davis, Gawron, Larson, Shepherd, and Spataro

Nays: None

MOTION PASSES

E. Consideration of Bids: Fifth Street, Campus Ave. to Merrill Ave. ENGINEERING

SUMMARY OF REQUEST: The paving as well as underground utilities upgrade contract (H-1599) on Fifth Street, between Campus Avenue and Merrill Avenue be awarded to Schultz Excavating, Inc., out of Ludington, MI. Schultz Excavating, Inc., was the lowest responsible bidder with a bid price of \$349,006.25.

FINANCIAL IMPACT: The construction cost of \$349,006.25 plus related engineering expenses.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Award the contract to Schultz Excavating, Inc.

Motion by Vice Mayor Larson, second by Commissioner Gawron to award the contract for Fifth Street, Campus Avenue to Merrill Avenue to Schultz Excavating, Inc.

ROLL VOTE: Ayes: Carter, Davis, Gawron, Larson, Shepherd, Spataro, and Warmington

Nays: None

MOTION PASSES

F. Concurrence With the Housing Board of Appeals Notice and Order to Demolish the Following: PUBLIC SAFETY

SUMMARY OF REQUEST: This is to request that the City Commission concur with the findings of the Housing Board of Appeals that the structures are unsafe, substandard, a public nuisance and that they be demolished within thirty days. It is further requested that administration be directed to obtain bids for the demolition of the structures and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

1376 Sanford

1376 Sanford was withdrawn by staff.

252 Allen – Area 11

FINANCIAL IMPACT: CDBG Funds.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish.

1123 Chestnut – Area 11

FINANCIAL IMPACT: CDBG Funds.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish.

Motion by Commissioner Spataro, second by Commissioner Shepherd to concur with the Housing Board of Appeals notice and order to demolish 252 Allen and 1123 Chestnut.

ROLL VOTE: Ayes: Davis, Gawron, Larson, Shepherd, Spataro, Warmington, and Carter

Nays: None

MOTION PASSES

104 Catherine (Garage) – Area 11

FINANCIAL IMPACT: CDBG Funds.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish.

Motion by Commissioner Spataro, second by Vice Mayor Larson to concur with the Housing Board of Appeals notice and order to demolish the garage at 104 Catherine.

ROLL VOTE: Ayes: Gawron, Larson, Shepherd, Spataro, Warmington, Carter, and Davis

Nays: None

MOTION PASSES

22 E. Muskegon

FINANCIAL IMPACT: CDBG Funds.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish.

Motion by Commissioner Shepherd, second by Vice Mayor Larson to concur with the Housing Board of Appeals notice and order to demolish 22 E. Muskegon.

ROLL VOTE: Ayes: Larson, Shepherd, Spataro, Warmington, Carter, Davis, and Gawron

Nays: None

MOTION PASSES

2005-49 CLOSED SESSION: To discuss collective bargaining.

Motion by Commissioner Spataro, second by Commissioner Carter to go into Closed Session to discuss collective bargaining at 6:27 p.m.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Carter, Davis, Gawron, and Larson

Nays: None

MOTION PASSES

Motion by Commissioner Spataro, second by Commissioner Carter to go back into Open Session at 6:57 p.m.

ROLL VOTE: Ayes: Spataro, Warmington, Carter, Davis, Gawron, Larson, and Shepherd

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 6:58 p.m.

Respectfully submitted,

Gail A. Kunding, MMC
City Clerk